

Appl. No. 10/591,047  
Amdt. Dated December 21, 2009  
Reply to Office Action of September 28, 2009

**REMARKS/ARGUMENTS**

Claims 1-11 are pending in the instant application. Claims 1-10 stand rejected under 35 U.S.C. 112 first and second paragraph. Further, claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US patent no. 5,618,513.

Claims 1-3 and 5, 7-9 have been amended. Claims 4, 6 and 11 have been cancelled. Applicants respectfully submit that none of the amendments constitute new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

**35 U.S.C. 112 first paragraph rejection**

Claims 1-10 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The applicant has amended the claims by:

In claim 1 specifically stating that Z denotes a chelating agent suitable for carrying a radionuclide M. Basis for this is found on page 11 of the PCT application.

- In claim 3 specifically stating that the biomodifier is of formula IV. Basis for this is found on page 15 of the PCT application.

In claim 1 stating that Z carries a radionuclide M, and in claims 7 and 8 further specifying such M for Radio, SPECT and PET imaging. Basis for this is found on page 12 and 13 of the specification.

The Applicant hence believes the requirements to the written description are fulfilled.

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**35 U.S.C. 112 second paragraph rejection**

Claims 1-3 and 5, 7-9 have been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 includes the phrase “alkyl or aryl containing substituent” . This refers to the Y<sub>1</sub> group of X<sub>1</sub>, stating that the moiety linked to the nitrogen of the amino group of this aminoacid may be an aryl-containing substituent. The applicant fails to see what is confusing, but has modified the language to “alkyl- or aryl-containing substituent” to clarify.

In claim 1, regarding X2, the term “Arg mimetic” has been deleted, making the coverage definite to Arg, N-alkylated Arg, or Phe[4-guanidino] or Gly-4-piperidyl[N-amidino].

In claims 1, 2 and 9 the term “SEQ ID NO. 1” has been deleted several places. V of formula I denotes a peptide with a binding sequence -X<sup>1</sup>-X<sup>2</sup>-Val-Tyr-Ile-His-Pro-X<sup>8</sup>-X<sup>9</sup>-X<sup>10</sup>. This sequence is named SEQ ID NO. 1 in the sequence list. Inadvertently, a reference to this sequence was included in the claims when referring to a group of amino acids. The applicant has now corrected this mistake.

In claim 1 it has been included that the residues Val and Ile at position 3 and 5, respectively, can be replaced with the amino acids cysteine or homocysteine. Basis for this is found on page 9 of the PCT application.

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In claim 1, last line M has been specified as selected from a limited group of radionuclides.

Basis for this is found on pages 12 and 13 of the PCT application.

Claim 3 has been clarified by limiting to a specific group of modifiers, i.e. one of formula IV.

Basis for this is found on page 15 of the PCT application.

Claim 6 has been cancelled.

In view of these amendments the Applicant contend that the claims comply with the requirements of 35 U.S.C. 112 first and second paragraph and respectfully request reconsideration.

### **35 U.S.C. 103 Rejection**

Claim 11 has been cancelled, and the rejection is overcome. The applicant respectfully request reconsideration.

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**CONCLUSION**

In view of the amendments and remarks herein, Applicant believes that each ground for rejection made in the present application has been successfully overcome, and that all the pending claims 1-3, 5, and 7-10 are in condition for allowance.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

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